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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,796	04/10/2001	Se June Hong	YOR9-2000-0732US1	8405

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EXAMINER

POND, ROBERT M

ART UNIT PAPER NUMBER

3625

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/828,796	Applicant(s) HONG ET AL.	
	Examiner Robert M. Pond	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The Applicant canceled Claim 7, and amended Claims 1, 2, 3, 5, 8, 11, and 12. All pending claims (1-6 and 8-12) were examined in this final Office Action.

Response to Arguments

Rejection under 35 USC 101

The Applicant amended Claims 1 and 5 to overcome rejection under 35 USC 101. Rejection under 35 USC 101 is withdrawn.

Rejection under 35 USC 103(a)

Applicant's arguments filed 25 October 2004 have been fully considered but they are not persuasive. The Applicant argues:

- **Provides objective measures:** The Examiner maintains the rebuttal filed in Paper #20040907 and firmly believes BBB in view of PRN teaches and/or suggests providing objective measures. BBB and PRN teach certification at the product level and certification compliance to performance standards. The Examiner views certifying a product to comply with a standard the same as certifying the claim to be true. For instance, Product A complies with the required +10.0% volt-dc margin test for high voltage based on a nominal voltage of 10.0 volts DC. It is true that Product A can operate at 11.0 volts.

- Guaranteeing satisfaction: The Examiner is satisfied that BBB and PRN teach and/or suggest striving to achieve customer satisfaction. For years, companies have been pitching customer satisfaction (e.g. "Satisfaction or money back") that are rooted in providing objective measures by which to judge customer satisfaction (e.g. does it work as advertised?).
- Searching: the Applicant is claiming an invention relying upon distributed computing architecture and features of the World Wide Web (e.g. hypertext markup language) yet bases arguments critical of the distributed architecture relied upon by the instant claims. To the user, BBB provides the access means to electronically link to distributed information.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 1-6 and 8-12 are rejected under 35 USC 103(a) as being unpatentable over BBB (Paper #6, PTO-892, Items: U), in view of PR Newswire (Paper #6, PTO-892, Item: V, hereinafter referred to as "PRN").**

BBB teaches the Better Business Bureau's reliability assurance program for the World Wide Web that serves as a regulatory service for businesses

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conducting electronic commerce so that consumers can find reliable, trustworthy businesses online. Qualified companies receive a seal that can be posted on their web site allowing shoppers to check BBB information on a company and be assured the company is reliable (please see at least pages 1-38). BBB further teaches:

- Establishing a certification service: bbbonline.com web page maintained for certification service (U: see pages 1 and 4).
- Entering in to a contract between the certification service and provider: application for contract requiring fees and adherence to Code of Online Business Practices that includes providing information about the provider's business, accurate information about goods and services online (U: see at least pages 4 and 7-12).
- Verifying the claims made by the provider: provider completes application; physical site visit made by Better Business Bureau representative (U: see at least pages 7-12).
- Posting information on the Web page about the product or service: clicking on electronic seal on provider's web site provides information about provider's trustworthiness claims; selecting a provider from certification web page provides provider information via hyperlink (U: see at least page 2).
- Maintaining a database of providers: online list of participating providers (U: see at least pages 4 and 6).

- Providing a search engine: search engine: (U: see at least pages 4, 6).
- Rights and liabilities between service and provider: Code of Conduct includes guarantees by the provider with remedies else be removed from the approved list (U: see at least pages 15-31).
- Links to provider's certification information and claims: electronic seal links to provider's claim information and remedies using a web page (U: see at least pages 4, 5, and 12).
- Service directly rules over disputes: direct dispute resolution (U: see at least pages 12, 14, and 29).
- Stand alone and existing business: Please note examiner's interpretation: Better Business Bureau is an existing business sponsoring the certification service and is also a stand alone business separate from participating online providers.

BBB teaches all the above as noted under the 103(a) rejection and teaches a) certifying the trustworthiness of a participating provider about its business practices, customer service, and products and services based on a Code of Online Business Practices, and b) issuing an electronic seal for approved provider's web site that links to the provider's certification claims, but does not specifically disclose certifying one or more claims at the product or service level. PRN teaches product certification using the NEBS Level 3 standards that represent the highest ranking within Bellcore/Telcordia's telecommunications equipment compliance guidelines. PRN teaches the NEBS Level 3 verification

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certifies that the product meets the physical, electrical, and environmental requirements to safely and reliably operate within both new and existing carrier infrastructure, and has the capacity to withstand stresses of extreme temperature, humidity, fire, earthquakes, light, and noise. Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the method of BBB to implement certification on individual products as taught by PRN, in order to ensure compliance, operability, and reliability in a product, and therefore attract shoppers to the service.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mr. Robert M. Pond** whose telephone number is 703-605-4253. The examiner can normally be reached Monday-Friday, 8:30AM-5:30PM Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Ms. Wynn Coggins** can be reached on 703-308-1344.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **703-308-1113**.

Any response to this action should be mailed to:

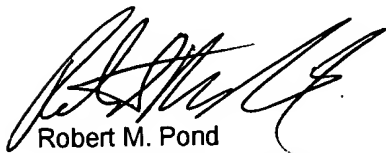
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Washington D.C. 20231

or faxed to:

703-872-9306 (Official communications; including After Final
communications labeled "Box AF")

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal
Drive, Arlington, VA, 7th floor receptionist.



Robert M. Pond
Primary Patent Examiner
January 10, 2005